

NYSDEC Comments on DOE/EA-1552
Environmental Assessment for the
Decontamination, Demolition, and Removal of Various Facilities
at the West Valley Demonstration Project, June 26, 2006
8/2/06

GENERAL COMMENTS

1. With this Environmental Assessment (EA), DOE proposes to demolish and remove 42 unneeded and unused buildings and other structures. The NYS Department of Environmental Conservation (the Department) supports the concept of removing unneeded facilities. However, we cannot support removal of the wide range of facilities listed in this Environmental Assessment. The Department does not agree that it is appropriate to remove facilities that clearly could support site activities under one or more of the site closure alternatives under consideration.
2. The EA focuses primarily on the radioactive contamination at the site. There is some mention of hazardous contamination, but it is not addressed consistently. This document must address all NEPA needs. Adequately addressing hazardous contamination under the Resource Conservation and Recovery Act (RCRA) regulations in Title 40 of the Code of Federal Regulations (40 CFR) is needed to fulfill NEPA requirements. Please note that, even though New York State is authorized to administer the federal RCRA program under regulations found in Title 6 of the New York Code of Rules and Regulations (6 NYCRR), the federal regulations still apply to the facility.
3. DOE is obligated to meet closure and corrective action requirements for Interim Status (IS) units and Solid Waste Management Units (SWMUs), regardless of whether or not a "No Action" alternative is enacted at the site.
4. None of the facilities referred to in the EA as Hazardous Waste Management Units (HWMUs) are permitted by Federal or State RCRA programs because the permitting process at the site has not been completed. The HWMUs have Interim Status in accordance with both Federal and State regulation. In order to ensure the use of consistent terminology for the regulators, DOE, NYSERDA, and the public, please refer to these units as Interim Status or IS units. It should be understood that the IS units, and any subsequently permitted units, are automatically SWMUs. Discussion of the closure requirements for the IS units should be included in the document. Additionally, the EA should explain that the regulations contain relevant investigation and remediation requirements for the SWMUs.
5. There are several units discussed within the document that may be SWMUs. The Department requests additional information and/or assessments on the following units: Equalization Tank, Expanded Environmental Laboratory, Fabrication Shop, Laundry Room, Master Slave Manipulator (MSM) Repair, New Cooling Tower, and Old Warehouse. Additionally, the Live Fire Range is subject to RCRA Corrective Action regulations. Typically, as was done at the DOE Knolls Atomic Power Laboratory Site in West Milton, a firing range is treated as an Area of Concern (AOC). However, the designation of AOC is not used in conjunction with the WVDP, therefore this area is considered a SWMU. As such, an assessment report is required for this unit within 45 days of receipt of these comments.

6. In the EA the DOE states that it will “Perform surveys of residual radioactivity prior to spraying or painting a sealant over surfaces,” and that “depending on the amount and level of contamination, pre-demolition preparation could include debris removal, washing or wiping of surfaces, and application of sealants or fixatives” and “Excavate contaminated soils as necessary.” It goes on to clearly describe the regulatory requirements for exposures of workers and the general public during cleanup actions, including the application of the As Low As Reasonably Achievable (ALARA) concept. However, there is no description of how DOE will determine when it has reached acceptable levels of residual contamination in these various circumstances. Nor is mention made of what would constitute a final acceptable cleanup level. Without clear guidance on the need to comply with conservatively chosen cleanup levels, DOE leaves open the potential to have to revisit some of these facilities and carry out additional decontamination work once a site closure option is chosen and acceptable cleanup levels are established. Without this clear guidance the Department is unable to support actions to remove structures and leave unspecified levels of contamination in place.

SPECIFIC COMMENTS

1. Section 1.1 The New York State Environmental Quality Review Act (SEQRA) should be referenced in addition to NEPA.
2. Waste Storage Facilities In footnote 1., DOE states in the EA that some buildings are currently being used to store low-level radioactive wastes (LLRW), and that as those buildings are emptied of stored wastes, they would be ready for decontamination, demolition, and removal. This decision appears to be based upon the belief that future activities at the site will not require storage of more than a small volume of LLRW at any given time. Considering past waste management practices at the site, and the large scale of potential waste generating activities under some of the potential site closure alternatives, it is likely that interim storage space for LLRW will be needed during site decommissioning activities.

Reduction of storage needs is possible, in part, through use of an on-time shipping (or ship as you go) approach to waste management, which is a cost effective approach that could be utilized to the extent that conditions allow. However, if all or even most LLRW storage capacity were removed, any disruption in shipping schedules would result in short term delays or long term stoppages of work at the site because of a lack of LLRW storage space on-site. Such disruptions could come in many forms, such as severe weather events, legal actions, security threats, the failure of DOE to meet commitments to States hosting DOE sites used as trans-shipping points or final disposal sites, or other impediments. The retention of substantial on-site storage capacity is a reasonable and necessary precaution against such interruptions.

Given the likely need for future LLRW storage space, the proposed removal of this space could unnecessarily result in a need to build new LLRW storage facilities. Such construction, or any significant delays in decommissioning work caused by a lack of storage space, would likely increase the costs, and potentially the risks, associated with any decommissioning alternative that resulted in generation of any but minimal volumes of LLRW. Without further strong support for a decision to remove the LLRW storage facilities, the Department has to view such an action as biasing the EIS process.

3. Figure 2 This map does not include areas in Waste Management Areas (WMA) 11 and 12. An inclusive map of the entire West Valley Demonstration Project (WVDP) premises should be provided.

4. Site Terminology Box, Page 3, and Figures 1. and 2. The Project Premises includes all land and structures over which DOE has sole use and control. In addition to the areas described in the description and figure in question, the rail spur, live-fire range, reservoirs, and Bulk Storage Warehouse are part of the Project Premises. Descriptions of the Premises, both written and visual, should make this clear.
5. Section 2.1 This section states that “DOE needs to eliminate or significantly reduce the functions that are undertaken in those facilities” being proposed for removal on the EA. DOE does not explain why it “needs to” remove all LLRW storage capacity, the onsite emergency response and sanitary facilities, or the specialized training and maintenance facilities. Nor does it explain why it “needs” to remove the new warehouse. The only language supporting removal appears to be the statement that DOE “needs” to do so. If there were no reasonably expected future use for these facilities, then it would be rational to say that their continued use was no longer needed. However, that is not the case for these facilities.

A. The LLRW storage issue was addressed in comment 1. above.

B. DOE does not explain why it no longer sees a need for an on-site emergency response capability. The EA does not include language stating whether the local EMS services are able to provide a comparable level or speed of care in responding to on-site emergencies with radiological contamination of victims or facilities. DOE does not state whether it has confirmed the willingness and capability of the outside services to take over these responsibilities. It is unclear why, when some potential decommissioning alternatives could result in decontamination and demolition activities of similar or even greater scope than those already undertaken at the site, the current on-site emergency response facilities are no longer necessary. Unless and until a closure alternative that does not require any significant demolition or waste packaging activities, it would appear unreasonable to remove viable on-site emergency response capabilities.

C. The EA includes insufficient justification for removal of the on-site sanitary treatment facility. Under just about any scenario, the site will remain a permanent place of employment for significant numbers of people for many years. If this were a facility without sanitary facilities, it might be justifiable to rely upon outside services for sanitary needs. However, given the present site circumstances the elimination of shower and flush toilet facilities for the decommissioning crews, support staff, and management personnel is not a reasonable action, and may be in violation of safety and health regulations. Furthermore, removal of an on-site sanitary system would seriously limit potential future use scenarios for the Center.

D. The proposal to remove specialized training and maintenance facilities needed to support many of the possible future remedial alternatives is not a reasonable decision. The training facilities in particular could not be readily duplicated through the use of off-site resources. As with the proposal to remove all LLRW storage capacity, removal of these facilities would be viewed as biasing the EIS process towards closure options that do not need these services.

E. There is no reasonable justification for removal of the new warehouse. For most future actions at the site, it would be advantageous to have a storage facility for supplies and equipment close at hand. It is understandable that the older or more remote storage facilities would be considered for removal. However, a newer, relatively low maintenance storage facility in close proximity to areas of ongoing site activities would appear to be a benefit to future site activities rather than an obstacle that needs to be removed and replaced by off-site storage facilities. Additionally, the Citizens Task Force and others

working on potential future use scenarios for the site have requested that this structure be maintained. Given these concerns the Department believes that it is prudent to retain the new warehouse until such time as it became clear that either it was an obstruction to necessary site decommissioning activities, or was obviously no longer needed due to completion of major site closer activities and a determination that it was not viable to retain it for future site uses.

6. Section 2.3 This section correctly explains that the potential impacts that would be described in a final approved EA (to personnel, the public, and the environment) for removal of all 42 facilities proposed for removal would bound the impacts of work performed to remove a reduced number of this set of facilities. What is not adequately presented here or elsewhere is the difference in potential implications for the EIS process of choosing a Preferred Alternative if certain facilities are or are not removed. As stated above, removal of certain of the facilities listed in Table 1. would have significant implications for the Preferred Alternative selection process. This would quite probably bias that process towards selection of alternatives that would not require re-developing facilities or services lost as a result of removal of all 42 facilities. This issue needs to be addressed, either in the EA or in referenced supporting documentation, and serious consideration needs to be given to reducing the scope of facilities to be demolished.
7. Section 3.3.2 The contaminants in the soil at the live fire range need to be identified in the EA.
8. Section 3.4.2 Any and all soil disturbance must be performed in compliance with all applicable NYS rules and regulations. Major changes to the surface water regimes could affect groundwater flow patterns, should temporary or permanent recharge areas be developed on the site. This is particularly important given the known presence of groundwater contamination.
9. Section 3.5.1 and 3.5.2 It should be noted that impacts that will need mitigation or permitting in wetlands are not limited to the wetland proper, per say, but would also included regulated buffer areas. This section should be clarified and the need for a wetland permit, or the lack thereof, should be discussed. Additionally, a map showing the facilities under consideration for removal AND the identified wetlands on the site, should be included in this document.
10. Section 3.8.1 The last sentence in this section states that “Noise for ongoing site activities includes that from the Buffalo & Pittsburgh Railroad line, which runs within 800 meters (2,600 feet) of the Project Premises.” It is our understanding that this rail line is abandoned north of the connection for the rail spur that feeds the site from the south. This includes the portion of the line that runs within the Western New York Nuclear Service Center east of the Project Premises. Thus, the only noise from this line would be when rail cars are brought to the site from the south for waste shipping purposes. Please clarify this discussion.
11. Section 3.12 This section states that under this alternative “The condition of unused and unneeded facilities would continue to deteriorate.” In the case of this EA a “No Action” option would mean that the facilities would not be removed, not that work at the site would not continue. Thus, it is reasonable to assume that ongoing maintenance would be performed on facilities such as the LLRW storage facilities, sanitary waste facility, the new warehouse, and the emergency vehicle shelter so that they could continue to provide the services for which they were designed. This section needs to be revised to reflect that fact.

12. Appendix A There are several units mentioned in Table 1 that are not described in the appendix with the rest of the units. Please either provide the descriptions for these unmentioned units or an explanation as to why a description can not be given for these units.
13. Appendix B The map and table need to be presented in a larger format to facilitate review.